

APPEAL NO. 021704
FILED AUGUST 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 11, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that the appellant (carrier) is not relieved of liability under Section 409.002 because of the claimant's failure to timely notify her employer of the injury pursuant to Section 409.001. The carrier appeals on evidentiary sufficiency grounds, disagreeing with the findings that the claimant sustained an injury, that she trivialized her injury, and that she had good cause for doing so. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the factual determinations appealed by the carrier. The claimant testified in detail about the circumstances of the vehicle accident in which she was involved, and that she initially believed that her shoulder and neck pain were due to stress and tension from long hours at work, the accident, and an emergency situation in her personal life. When the stress and tension eased, but her pain had not gotten better by January 2002, she began to relate the pain to the accident she had during the previous November. She sought medical treatment, and on January 25, 2002, was diagnosed with a neck sprain/strain.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). As an appellate-reviewing tribunal, the Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge